

IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF TEXAS
WICHITA FALLS DIVISION

IN RE:

TERENCE ANDREW RYAN

CASE NO: 08-70072-HDH-13

HEARING DATE: 12/17/2008

HEARING TIME: 11:00 AM

**TRUSTEE'S RECOMMENDATION CONCERNING CLAIMS, OBJECTION TO CLAIMS AND PLAN
MODIFICATION (if required)**

NOW COMES Walter O'Cheskey, Chapter 13 Trustee, and files this Proposed Trustee's Recommendation Concerning Claims and Plan Modification (if required) in accordance with Bankruptcy Rule 3007 and General Order 2006-08 and would respectively show unto to the Court as follows:

I.

OBJECTION -- NO PROOF OF CLAIM FILED

The following creditors were scheduled by the Debtor(s). No Proof of Claim has been filed by them or on their behalf, as required by Bankruptcy Rule 3002(a). The bar date for filing claims pursuant to Bankruptcy Rule 3002(c) has passed. Therefore the claims should be DISALLOWED.

Trustee Clm#	Creditor Name	Scheduled Amount	Trustee Clm#	Creditor Name	Scheduled Amount
008 0 U	CBC	\$116.00			

II.

SPECIFIC OBJECTIONS

The Trustee hereby objects to the following claims, on behalf of the Debtor, for the reason(s) indicated below each claim listed.

Trustee Claim #	Creditor	Collateral / Description	Claim Amount
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PRIORITY CREDITORS

033 0 FRANCHISE TAX BOARD TAXES -- LATE FILED \$2,183.26

Not provided for in confirmed plan. Trustee objects to clerk's claim #14 filed by Franchise Tax Board. Claim is late filed & Trustee request claim be disallowed in full

III.

TRUSTEE'S RECOMMENDATIONS CONCERNING ALLOWED CLAIMS

The Trustee hereby recommends the ALLOWANCE of the following claims for the amount and in the class as listed below.

Trustee Claim #	Creditor	Collateral / Description	Claim Amount	Value	%	Term	Paid / Treated
<u>SECURED CREDITORS</u>							
016 0	USE FEDERAL CREDIT UNION	2003 CHEVY ASTRO VAN	\$15,600.13	\$15,600.13	10.25%	60	\$355.97 PAID BY TRUSTEE
<u>PRIORITY CREDITORS</u>							
003 0 *	INTERNAL REVENUE SERVICE	06 INCOME TAXES	\$508.00			60	\$3.60 PAID BY TRUSTEE
012 0	JEFFERSON COUNTY DEPT OF HUMAN SERVICES	CHILD SUPPORT ARREARS	\$51,316.00				PD DIRECT BY DEBTOR
015 0 *	FRANCHISE TAX BOARD	06-07 STATE FRANCHISE TAXES	\$2,183.26			60	\$35.72 PAID BY TRUSTEE

UNSECURED GENERAL CREDITORS

Trustee Clm#	Creditor Name	Claim Amount	Trustee Clm#	Creditor Name	Claim Amount
010 0 U	ECAST SETTLEMENT CORPORATION	\$1,653.30	011 0 U	RESURGENT CAPITAL SERVICES	\$8,633.18
	PURCHASES/HOME DEPOT CITIBANK USA			PURCHASES/CITIFINANCIAL	

0140 U	ECAST SETTLEMENT CORPORATION	\$780.11	0170 U	RESURGENT CAPITAL SERVICES	\$1,576.35
	<i>PURCHASES/LOWES</i>			<i>PURCHASES/WAMU/PROVIDIAN</i>	
0180 U	CAPITAL ONE	\$846.92	0190 U	CAPITAL ONE	\$381.01
	<i>PURCHASES</i>			<i>PURCHASES</i>	
0200 U	CAPITAL ONE	\$2,123.20	0210 U	CAPITAL ONE	\$870.83
	<i>PURCHASES</i>			<i>PURCHASES</i>	
0220 U	INTERNAL REVENUE SERVICE	\$2,334.06	0230 U *	INTERNAL REVENUE SERVICE	\$1,353.99
	<i>02-03 INCOME TAXES</i>			<i>PENALTY</i>	
				<i>Not provided for in confirmed plan.</i>	
0240 U	USE FEDERAL CREDIT UNION	\$1,597.32	0320 U *	RESURGENT CAPITAL SERVICES	\$226.60
	<i>PURCHASES</i>			<i>PURCHASES</i>	
				<i>Not provided for in confirmed plan.</i>	

If the Trustee's recommendation concerning any claim differs from the amount indicated in a creditor's Proof of Claim, the recommendation is deemed an objection to such claim. Unless a timely reponse or objection is filed contesting the Trustee's recommendation, the objection will be sustained and such claim will be allowed only in the amount and in the class indicated.

Any proposed changes by the Debtor that extends the term or lowers the interest rate as to any secured claim contained in the confirmed Plan must be set out in a Debtor's Objection or Response to the Trustee's Recommendation Concerning Claims and noticed to the affected creditor in the absence of a letter agreement between the Debtor and the affected creditor.

IV.

TRUSTEE'S PLAN MODIFICATION

Pursuant to 11 U.S.C. Section 1329, and in accordance with General Order 2006-08 Section 8, the Trustee requests the following Modification of Debtor's(s') Confirmed Plan, subject to feasibility herein:

Trustee's Modification is as follows:

Clerk's claim #14 filed by Franchise Tax Board for \$2,183.26 shall be disallowed in full.

/s/ Walter O'Cheskey

Walter O'Cheskey
Chapter 13 Trustee

IF AN OBJECTION IS FILED, A HEARING WILL BE HELD 12/17/2008 AT 11:00 AM CONCERNING THE TRUSTEE'S RECOMMENDATION CONCERNING CLAIMS, OBJECTION TO CLAIMS AND PLAN MODIFICATION (IF REQUIRED) (TRCC) AT THE FOLLOWING LOCATION:

VIDEO: US COURTHOUSE ROOM 208, 10TH & LAMAR STREETS, WICHITA FALLS, TEXAS 76301

A PRE-HEARING CONFERENCE WITH THE TRUSTEE SHALL BE HELD AT THE SAME LOCATION AT 08:30 AM. ALL PARTIES ARE REQUIRED TO ATTEND THE PREHEARING CONFERENCE. ANY OBJECTIONS TO THE PLEADINGS NOT RESOLVED OR DEFAULTED AT THE PRE-HEARING CONFERENCE WILL BE HEARD BY THE COURT AT THE HEARING DATE AND TIME ABOVE. TO BE CONSIDERED, ANY OBJECTION OR RESPONSE MUST BE MADE IN WRITING, SERVED ON ALL EFFECTED CREDITORS AND FILED WITH THE COURT WITHIN THIRTY (30) DAYS FROM THE DATE OF SERVICE.

PURSUANT TO GENERAL ORDER 2006-08 SECTION 8(C), UNLESS AN OBJECTION IS TIMELY FILED AS TO THE TREATMENT OF ANY CLAIM OR MODIFICATION, THE CLAIM OR MODIFICATION WILL BE ALLOWED OR APPROVED AS DESCRIBED IN THE TRCC AND SUCH TREATMENT WILL BE FINAL AND BINDING ON ALL PARTIES.

/s/ Walter O'Cheskey

Walter O'Cheskey
Chapter 13 Trustee

I hereby certify that a copy of the foregoing Trustee's Recommendation Concerning Claims, Objection to Claims and Plan Modification (if required) and Notice of Hearing and Pre-Hearing Conference on Trustee's Recommendation Concerning Claims, Objection to Claims and Plan Modification (if required) was this date served on the following parties electronically or at the addresses listed below by U.S. First Class mail:

Date: 10/9/2008

/s/ Walter O'Cheskey

Walter O'Cheskey
Chapter 13 Trustee

CAPITAL ONE BANK 11013 W BROAD ST GLEN ALLEN VA 23060
CAPITAL ONE C/O TSYS DEBT MANAGEMENT PO BOX 5155 NORCROSS GA 30091
CAROL SEWING 543 PROMENTORY DR LOVELAND CO 80538
CBC 1300 W MAIN ST VISALINA CA 93291
CITI PO BOX 6033 HAGERSTOWN MD 21747
CITIFINANCIAL PO BOX 499 HANOVER MD 21076
ECAST SETTLEMENT CORPORATION PO BOX 35480 NEWARK NJ 07193
FRANCHISE TAX BOARD SPECIAL PROCEDURES PO BOX 2952 SACRAMENTO CA 95812
INTERNAL REVENUE SERVICE PO BOX 21125 PHILADELPHIA PA 19114
INTERNAL REVENUE SERVICE PO BOX 21126 PHILADELPHIA PA 19114
INTERNAL REVENUE SERVICE SPECIAL PROCEDURES 1100 COMMERCE ST MC 5027DAL DALLAS TX 75248
JEFFERSON COUNTY DEPT OF HUMAN SERVICES CHILD SUPPORT ENFORCEMENT PROGRAM 3500 ILLINOIS ST SUITE 1300 GOLDEN CO 80401
KENT & NANCY PETTUS 908 PARK GRAHAM TX 76450
LOWES/MBGA PO BOX 103065 ROSWELL GA 30076
MONTE J WHITE ATTORNEY AT LAW 1106 BROOK AVE HAMILTON PLACE WICHITA FALLS TX 76301
PATRICIA MCGROARTY 1301 HILLCREST DRIVE GRAHAM TX 76450
RESURGENT CAPITAL SERVICES PO BOX 10587 GREENVILLE SC 29603
STATE OF CALIFORNIA FRANCHISE TAX BOARD PO BOX 942867 SACRAMENTO CA 94267
TERENCE ANDREW RYAN 1301 HILLCREST DRIVE GRAHAM TX 76450
UNITED STATES ATTORNEY 801 CHERRY STREET UNIT 4 FT WORTH TX 76102
US ATTORNEY ATTORNEY IN CHARGE 1100 COMMERCE 3RD FLOOR DALLAS TX 75242
US ATTORNEY GENERAL 10TH ST & CONSTITUTION AVE WASHINGTON DC 20530
USE FEDERAL CREDIT UNION 10120 PACIFIC HEIGHTS B1 SAN DIEGO CA 92121
WASHINGTON MUTUAL/PROVIDIAN PO BOX 9180 PLEASANTON CA 94566
WILLIAM T NEARY UNITED STATES TRUSTEE 1100 COMMERCE STREET RM 976 DALLAS TX 75242